



RCE \$ 8 C  
#12  
10/23/03

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/673,628
Filing Date	December 08, 2000
First Named Inventor	Masato HIGASHI
Group Art Unit	2175
Examiner Name	Samuel G. Rimell
Attorney Docket Number	43890-448

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on 9/10/03  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

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2. **Miscellaneous**

- a. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.1.03(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500417.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) **\$770.00**
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other (additional claims, etc.)
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Ramyar M. Farid	Registration No. (Attorney/Agent)	46,692
Signature		Date	10/10/03

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Parents, Box RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name(Print/Type)	
Signature	
Date	

10/16/2003 RNDDAF1 00000046 500417 09673628

01 FC:1801 770.00 DA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Masato HIGASHI

Serial No.: 09/673,628

Filed: December 08, 2000

For: DISK SYSTEM AND METHOD OF UPDATING FIRMWARE

Box AF

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

☒  
☐  
☐

No additional fee is required.

Applicant is entitled to small entity status under 37 CFR 1.27

Also attached:

The fee has been calculated as shown below:

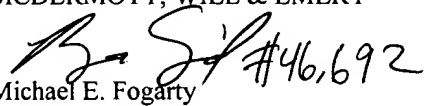
	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	16	20	0	\$18.00 =	\$0.00
Independent Claims	3	3	0	\$84.00 =	\$0.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$0.00
Total of Above Calculations					\$0.00

☐ Please charge my Deposit Account No. 500417 in the amount of \$0.00. An additional copy of this transmittal sheet is submitted herewith.

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT, WILL &amp; EMERY

*for*  #46,692  
 Michael E. Fogarty  
 Registration No. 36,139

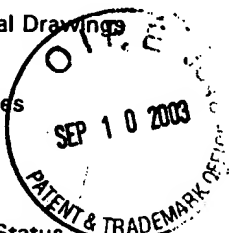
600 13<sup>th</sup> Street, N.W.  
 Washington, DC 20005-3096  
 (202) 756-8000 MEF:amz  
 Facsimile: (202) 756-8087  
 Date: September 10, 2003

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Applicant: Masato Higashi Docket No. 43890-448  
Title/Mark: Disc system and Serial/Reg./Patent No. 09/673628  
Date Sent: 10/19/2000 Hand Carried ☐ 1st-Class Mail ☐ Cert. of Mailing ☐ Express Mail No. \_\_\_\_\_  
☒ Transmittal Letter  
☒ Utility/Design/Continuation/CIP/FWC/Divisional/PCT  
☒ Other: National Phase  
21 pages of Specification  
3 pages of Claims  
1 pages of Abstract  
1 pages of Formal/Informal Drawings  
☒ Information Disclosure Statement  
0 Form PTO 1449  
0 copies of cited references  
☒ Preliminary Amendment  
☐ Response to Missing Parts Notice  
☐ Certified Copy of Priority Doc.  
☐ Claim for Convention Priority  
☐ Verified Statement of Small Entity Status  
☐ Transmittal of Issue Fee: Form PTO 85b \_\_\_\_\_ Form PTO 85C \_\_\_\_\_  
☐ Maintenance Fee for \_\_\_\_\_ years after grant  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Recordation of \_\_\_\_\_ Patent \_\_\_\_\_ Trademark: Assignments/Security Agreements/\_\_\_\_\_  
☐ Response/Amendment to Office Action of \_\_\_\_\_ ☐ Petition to Commissioner for \_\_\_\_\_  
☐ Trademark/Service Mark/Intent-To-Use Application  
☐ Amendment to Allege Use ☐ Statement of Use  
☐ Formal/Informal/Substitute Drawing Sheet  
\_\_\_\_\_(no. of) Substitute/Specimens  
☐ Continued Use Affidavit/Declaration (Section 8 & 15)  
☐ Notice of Opposition/Answer to \_\_\_\_\_  
☐ Ex Parte Appeal  
☐ Petition for Cancellation/ Answer to \_\_\_\_\_  
☐ Renewal of Reg. No. \_\_\_\_\_  
☐ Combined Declaration/Power of Attorney  
☐ Letter of Protest  
☐ Request for \_\_\_\_\_-day/month Extension of Time



**526 Rec'd PCT/PTO 19 OCT 2000**

Other: \_\_\_\_\_

Check for \$ \_\_\_\_\_ ☒ Total Deposit Account charge for \$ 1260 Attorney: MEF-AB 3528  
☐ CHI ☒ WASH

CLO2 Descrip.: 1-860 BAZM 3-270 5-130 J

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.